

APPEAL NO. 040742  
FILED MAY 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 4, 2004. The hearing officer determined that the respondent (claimant) had disability resulting from the \_\_\_\_\_, compensable injury from October 7, 2003, to the date of the CCH, and that the employer had made a bona fide offer of employment (BFOE) to the claimant entitling the appellant (carrier) to adjust post-injury weekly earnings from September 24 through October 6, 2003. The hearing officer's determination on the BFOE has not been appealed and has become final pursuant to Section 410.169.

The carrier appeals the disability determination contending that five medical doctors had released the claimant to some level of work and that the claimant had doctor shopped to get a chiropractor to take him entirely off of work. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant sustained a compensable low back injury on \_\_\_\_\_. The claimant saw several doctors all of whom released the claimant back to some type of light duty (none released the claimant without restrictions). The claimant eventually changed treating doctors to the treating chiropractor who took the claimant off work on October 7, 2003, and has not released the claimant to return to work. A designated doctor in a report dated February 4, 2004, found the claimant not at maximum medical improvement because the claimant "should have at the very least a 2nd lumbar ESI . . ."

None of the doctors cited by the carrier had released the claimant back to full duty. The Appeals Panel has frequently noted that a release to light duty is evidence that the effects of the injury continue and that disability exists. Texas Workers' Compensation Commission Appeal No. 91045, decided November 21, 1991. Further, disability may be proven by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mutual Fire Insurance Company, 765 S.W.2d 394 (Tex. 1989). In this case the hearing officer's determination on disability is supported by medical evidence from the treating chiropractor. Under the circumstances we find no error in the hearing officer's disability determination.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS STREET, SUITE 750  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge